

October 16, 1990

DOGMA
MINERALS PROGRAM
FILE COPY

TO: File

FROM: Holland Shepherd, Reclamation Specialist *WHS*

RE: Discussion with USFS Concerning Permitting of Nebo Gypsum Mine/Gardner Canyon Mine, M/023/015, Juab County, Utah

I spoke with Mr. Mark Sensibaugh of the Spanish Fork Ranger District, USFS on October 15, 1990. We discussed the permitting issues involving the Gardner Canyon mine.

The mine is located within the boundaries of the Mt. Nebo Wilderness Area. The surface is under the jurisdiction of the USFS. The USFS acquired the surface rights in 1965.

Apparently the mining claims, on the property, were patented in the 1930's. The claims were patented without surface rights, an unusual circumstance. However, the operator now claims that the pre-existing mineral rights give him legal access to the site, the right to disturb the surface.

The operator is now in the process of initiating a law suit against the USFS for stopping and delaying mining activity. Walter Plumb is the attorney involved in this case. Apparently, the operator claims to have lost 2 million dollars over the delay.

The operator initially filed notice to disturb 2 - 4 acres. Now with newly discovered reserves, that amount may go over 30 acres.

The USFS will be asking that a EIS be performed at the site before mining commences. This would involve a lengthy review process. The initial draft EIS not being available until summer.

I explained to Mr. Sensibaugh that the Division will be involved in the review, public comment period and bonding.

The operator and USFS have forwarded copies of the Plan of Operation. This I will circulate for review after my comments.

jb
cc: Wayne Hedberg
MNM023015.1